

## REMARKS/ARGUMENTS

### **Claims Status**

Claims 1-13 are pending. Claims 1-5 and 8-13 are withdrawn due to a previous Restriction Requirement. Claims 6 and 7 are currently amended. Claim 6 is amended to include a rubber and acrylonitrile content of the ABS which finds support in the specification: page 6, line 31, to page 7, line 1. Claim 7 is amended to clarify the terms “color layer” and “functional layer” in accordance with [0080] and [0081] of the published specification. No new matter is believed to have been entered.

### **§112, 2<sup>nd</sup> paragraph, Rejection**

Claim 7 is rejected for being unclear because the Office asserts that it “is unclear what is meant or encompassed by [‘color layer’ and ‘functional layer’].” As claim 7 has been amended to positively recite potential species of each of these layers, Applicants request that this rejection be withdrawn.

### **§103(a) Rejections**

Claims 6 and 7 are rejected as obvious in view of the combination of Oenbrink (US 5,637,408) and Goldman (US 4,278,576). Claims 6 and 7 are also rejected as obvious in view of the combination of Ries (US 6,680,093) and Goldman. Applicants respectfully traverse these rejections.

The claimed invention relates to a multilayer film comprising a polyamide molding composition layer and an adhesion promoter layer wherein the adhesion promoter comprises (i) a copolymer and ABS or (ii) a copolymer, ABS and polyamide, wherein the ABS comprises from 5 to 30 weight% rubber and 10 to 45 weight% acrylonitrile.

In view of the Office's recognition of the deficiencies of the Oenbrink and Ries references, namely their failure to disclose or suggest the claimed copolymer-containing layer containing (i) ABS and/or (ii) ABS and polyamide, the Office now relies upon Goldman. The Office asserts that "Goldman discloses impact modifier polymer powders (col 1 ln 7-10)" and that "Such impact modifiers include ABS (col 2 ln 29)" (Office Action, page 2, item 6, and page 3, item 14). Consequently, the Office concludes that "it would have been obvious to one of ordinary skill in the art to add ABS polymer to the adhesive layer to improve the impact resistance of the layer" and "it would have been obvious to use amounts falling within the presently claimed range to achieve an impact resistance layer that is not too brittle" (Office Action, page 3, item 8, and page 4, item 16).

As noted by the Office (see above quotes), Goldman discloses ABS as an impact modifier. Applicants note that Goldman also discloses that such impact modifiers have a rubber content of 60-100% (see col. 2, lines 25-27). Accordingly, ABS with a much smaller rubber content, for example 5-30% like that claimed, would not be considered of the same grade as an impact modifier having a much higher rubber content (i.e., 60-100%). In other words, ABS with 5-30% rubber would not be regarded by one skilled in the art as an impact modifier. Furthermore, the use of a *high* rubber content ABS does not render obvious the use of a *low* rubber content ABS when such differences in rubber content significantly effect the properties of the ABS, for example impact modification.

Accordingly, since (1) the Office admits that neither Oenbrink nor Ries discloses or suggests the claimed copolymer-containing layer containing (i) *ABS* and/or (ii) *ABS* and polyamide, and (2) Goldman fails to disclose or suggest the claimed ABS having only 5-30% rubber content; therefore (3) no combination of Goldman, Oenbrink and Ries discloses or suggests the claimed multilayer film comprising a polyamide molding composition layer and an adhesion promoter layer wherein the adhesion promoter comprises (i) a copolymer and

Application No. 10/589,264  
Reply to Office Action of June 25, 2009

*ABS* or (ii) a copolymer, *ABS* and polyamide, wherein the *ABS* comprises from 5 to 30 weight% rubber and 10 to 45 weight% acrylonitrile.

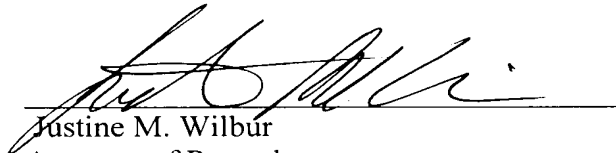
Thus, Applicants request withdrawal of the obviousness rejections over Oenbrink and Goldman, and Ries and Goldman.

### Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Justine M. Wilbur  
Attorney of Record  
Registration No. 59,678

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)